**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No. 12003 of 2007**

**Date: 09.08.2007**

Between:

K. Nageshwara Rao.

**.... PETITIONER**

AND

The A.P.Northern Power Distribution Company Ltd., rep. by its Chief Engineer/Operation, Warangal and others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No.12003 of 2007**

**Order**:

Questioning the action of the respondent-APNPDCL in not considering the case of the petitioner for appointment to the post of Junior Lineman on yearly contract basis by conducting interview, the present writ petition is filed.

2. The petitioner, who is working as contract labour in the respondent-APNPDCL, applied for the post of Contract Junior Linemen on yearly contract basis in response to the notification dated 06.06.2006 issued by the respondent-APNPDCL. The grievance of the petitioner is that though the respondent-APNPDCL issued call letters to similarly situated persons, it did not issued call letter to him though he is eligible for appointment to the post of Junior Lineman, and the same is illegal and arbitrary. Hence, the petitioner filed the present writ petition.

3. The respondent-APNPDCL filed counter-affidavit. Reiterating the counter averments, the learned Standing Counsel for the respondent-APNPDCL submitted that as per the revised notification dated 21.10.2006, the presently serving contract labour should possess EPF number in their name certified by the concerned Divisional Engineer. He further submitted that the

petitioner neither worked in the Corporation as on the date of revised Notification i.e., 21.10.2006, nor possessed EPF number in his name and so, call letter was not sent to him as he is not eligible for the post of Junior Lineman on yearly contract basis.

4. Learned counsel for the petitioner submitted that the petitioner is fully eligible for the post of Junior Lineman as per the certificate issued by the Assistant Engineer, Operation. He further submitted that the petitioner is now working in the Corporation, and he worked in the Corporation before the date of issuing notification, except the date when the notification was issued, and therefore, his case may be considered directing the respondent-APNPDCL to appoint him as Junior Lineman in the existing vacancies.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-APNPDCL.

6. As per the counter-affidavit, the petitioner admittedly worked in the respondent-APNPDCL from 1/2005 to 01.06.2006, for which the petitioner produced experience certificate issued by the Assistant Engineer (Operation) who certified that the petitioner worked in the respondent-Corporation for a period of five years and he has knowledge of LT and 11 KV lines and maintenance of DTRs. However, as the said certificate did not contain the date on which it was issued and the period for which the petitioner worked, this Court directed the Assistant Engineer (Operation), who issued the said certificate, to appear before this Court on 02.08.2007 with the relevant records to prove whether the petitioner is working in the Corporation or not. On 02.08.2007, the Assistant Engineer

(Operation) appeared in person and submitted that by mistake, he has given the said certificate. As per the counter-affidavit, the petitioner worked in the respondent-APNPDCL from 1/2006 (date is not mentioned) to 01.06.2006, that means, he has not worked in the Corporation as on the date of notification in the Corporation. So, the petitioner was not on the rolls as on the date of notification, and therefore, he is not eligible for appointment to the post of Junior Lineman in the quota of presently working casual labour.

7. The contention of the learned counsel for the petitioner is that the petitioner is working as on today and that he did not work on the date when the notification was issued. Since the petitioner, except on the date of the notification, is said to be working as contract labour with the respondents, I deem it appropriate to dispose of the writ petition with the following directions:

If any vacancies remained unfilled by the fresh candidates, the respondent-APNPDCL shall consider the case of the petitioner for appointment as contract Junior Linemen as fresh candidate, in accordance with law.

8. With the above direction, the Writ Petition is disposed of. No costs.

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**N.V. RAMANA, J.**

Dated:09.08.2007.

Note:
Issue CC forthwith
(Bo)
sj